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EXAMINER	
SHRESTHA, BIJENDRA K	
ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/787,481	TRIPLETT, MARK W.	
	Examiner	Art Unit	
	BIJENDRA K. SHRESTHA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/22/2006 and 02/27/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

1. Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of copending Application No. 10/415,967. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 50 is rejected under 35 U.S.C. 102(e) as being unpatentable over Kemp, II et al. (called ”Kemp” herein after), U.S. Patent No. 7,389,268 (reference A in attached PTO-892).

4. As per claim 50, Kemp teach a method for repositioning market information relating to a tradeable object being traded in an electronic exchange having an inside market with a highest bid price and a lowest ask price on a screen, the method comprising:

dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a value level along a common value axis, the first indicator representing quantity associated with at least one order to buy the tradeable object at the highest bid price currently available in the market; dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a value level along the common value axis, the second indicator representing quantity associated with at least one order to sell the tradeable object at the lowest ask price currently available in the market (see Fig. 16A; column 27, lines 3-9; where inside market indicates highest buy price and lowest sell price for quantities currently available in the market).

displaying the bid and ask display regions in relation to value levels positioned along the common value axis such that when the inside market changes, at least one of the first and second indicators moves in the bid or ask display regions relative to the common value axis (see Fig. 16A, Inside market Indicator; column 17, lines 59-67 to column 18, lines 1-5; where indicators provide visual indication of prices for bid and ask quantity column)

receiving a command to select a particular location of a plurality of locations, wherein each location corresponds to a value level along the common value axis (see Fig. 6, steps 602-606); and

automatically repositioning the common value axis, in response to the selection of the particular location, such that the particular location is axially moved to a predetermined position on the screen and the first and second indicators are moved in association with the particular value along the common value axis (see Fig. 16A and 16B; column 26, lines 17-39; column 26, lines 1-5, 65-67; column 27, lines 1-16; where . user designate any item interest such as inside market, LTP for automatic positioning to predetermine location of value axis).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp, II et al. (called "Kemp" herein after), U.S. Patent No. 7,389,268 (reference A in attached PTO-892) in view of Robertson et al., U.S. Patent No. 5,596,347 (reference B in attached PTO-892).

7. As per claim 1, Kemp teach a method for changing the view of market information relating to a tradeable object being traded in a market on a screen that displays at least one market indicator which can move relative to a value axis, the method comprising:

displaying a display region comprising a plurality of locations on the screen, wherein each location corresponds to one of a plurality of values on the value axis (see Fig. 3; where value axis representing Price (Prc) indicates plurality of values);

receiving a command to select a particular location of the plurality of locations by a user input device (see Fig. 6, step 602-606; column 12, lines 49-57; where particular position in display is selected by clicking position by a mouse); and

Kemp do not teach automatically changing the view of the value axis, in response to the selection of the particular location, such that a value of the particular location selected is moved to a predetermined location on the screen.

Robertson et al. teach changing the view of screen by automatically repositioning cursor at predetermined location based on selected command (Robertson et al., abstract).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include automatically changing the view of the value axis, in response to the selection of the particular location, such that a value of the particular location selected is moved to a predetermined location on the screen of Kemp because Robertson et al. teach including above features would enables to simplify the use by the user (Robertson et al., column 1, lines 36-40).

8. As per claim 2, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

before the selection the plurality of values on the value axis represent a first view of the market (see Fig. 3, column "Prc").

9. As per claim 3, Kemp in view of Robertson et al. teach claim 2 as described above. Kemp further teach the method wherein

after the selection another plurality of values on the value axis represent a second view of the market (see Fig. 12 B, column 21, lines 8-39; where clicking of sell or offer price present different view quantities in view).

10. As per claim 4, Kemp in view of Robertson et al. teach claim 3 as described above. Kemp further teach the method wherein

the first view and the second view both include the selected value (see Fig. 12B where selected values are sell or offer prices).

11. As per claim 5, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method comprising

dynamically displaying at least one market indicator in the display region, wherein the at least one market indicator corresponds to a specific value on the value axis (see Fig. 11A, column 17, lines 58-64; column 18, lines 22-36).

12. As per claim 6, Kemp in view of Robertson et al. teach claim 5 as described above. Kemp further teach the method comprising,

in response to the command, moving the at least one market indicator to a new location in association with the specific value (see column 18, lines 50-67).

13. As per claim 7, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

a plurality of values on the value axis are displayed (see Fig. 12A; where plurality price values are indicated in column 1200).

14. As per claim 8, Kemp in view of Robertson et al. teach claim1 as described above. Kemp further teach the method wherein

the values along the value axis comprise prices (see Fig. 12A, column 1200).

15. As per claim 9, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method comprising

displaying two indicators relating to an inside market of the tradeable object, the at least two indicators each being displayed in one of the plurality of locations of the display region and in association with the plurality of values on the value axis (see Fig. 11A, Inside Market Indicator, Dynamic Indicator).

16. As per claim 10, Kemp in view of Robertson et al. teach claim 9 as described above. Kemp further teach the method wherein the two indicators comprise

a best bid indicator representing a highest bid price currently available in the market for the tradeable object and a best ask indicator representing a lowest ask price currently available in the market for the tradeable object (see Fig. 11A, 14A; column 35, lines 24-27; where inside market indicator include best ask and lowest ask indicators).

17. As per claim 11, Kemp in view of Robertson et al. teach claim 9 as described above. Kemp further teach the method comprising

displaying additional indicators representing additional market information in the plurality of locations of the display region in association with the plurality of values on the value axis (see Fig, 11A and 11B; dynamic indicator; Fig. 13A/13B, thermometer indicator; Fig. 14A/14B, auto scalper indicators).

18. As per claim 12, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

the value axis comprises a static value axis (see Fig.3-5, column 11-17; column 26, line 1-5).

19. As per claim 13, Kemp in view of Robertson et al. teach claim 12 as described above. Kemp further teach the method wherein

the at least one market indicator is based on an exchange order book and wherein the values on the value axis do not move in response to a price change in the exchange order book relating to one of the plurality of values on the value axis, unless a command to change the view of the value axis is received (see column 6, lines 37-46).

20. As per claim 14, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method comprising

the step of in response to a centering command, changing the view of the value axis such that an item of interest is displayed to a location approximately centered with respect to the plurality of values on the value axis (see Fig. 16A; column 4, lines 39-43; column 25, lines 64-67 to column 26, lines 1-3).

21. As per claim 15, Kemp in view of Robertson et al. teach claim 14 as described above. Kemp further teach the method wherein

the item of interest comprises an inside market of the tradeable object (Fig. 16A, Inside Market Indicator; column 27, lines 4-9).

22. As per claim 16, Kemp in view of Robertson et al. teach claim 14 as described above. Kemp further teach the method comprising

displaying a region for receiving a centering command (see Fig. 16A/16B; column 26, lines 18-39; where region for receiving centering command are inside market and Last traded Price (LTP)).

23. As per claim 17, Kemp in view of Robertson et al. teach claim 14 as described above. Kemp further teach the method wherein

the centering command comprises a signal from a single action of a user input device (see Fig. 16B, column 27, lines 9-16).

24. As per claim 18, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

the display region is displayed in a window (see Fig. 16A, Inside Market Indicator (606), LTP Indicator (1600)).

25. As per claim 19, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

the display region comprises a bid display region and an ask display region (see Fig. 16A, Buy Quantity column (1608), Sell Quantity Column (1610)).

26. As per claim 20, Kemp in view of Robertson et al. teach claim 19 as described above. Kemp further teach the method wherein

the bid display region comprises a plurality of locations, each location associated with a different one of the plurality of values on the value axis and the ask display region comprises a plurality of locations, each location associated with a different one of the plurality of values on the value axis (see Fig. 3-5; Fig. 16A; where bid and ask display region comprises plurality of locations with respect to value axis (Prc)).

27. As per claim 21, Kemp in view of Robertson et al. teach claim 20 as described above. Kemp further teach the method wherein

the bid and ask display regions each comprise a column with a plurality of cells and wherein the bid and ask display regions are displayed as a grid such that the cells of each column are aligned (see Fig. 16A).

28. As per claim 22, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method comprising

the step of displaying an order entry region comprising a plurality of locations for receiving commands to send orders, each location corresponding to one of the plurality of values on the value axis (see Fig. 5; column 11, lines 1-34).

29. As per claim 23, Kemp in view of Robertson et al. teach claim 22 as described above. Kemp further teach the method wherein

in response to a selection of a particular location of the order entry region by a single action of a user input device, setting a plurality of parameters for an order relating to the tradeable object and sending the order to the electronic exchange (see Fig. 6; column 12, lines 28-48).

30. As per claim 24, Kemp in view of Robertson et al. teach claim 22 as described above. Kemp further teach the method wherein

the order entry region and the display region overlap (see Fig. 3-5; column 11, lines 1-11; where trader enters the trade by clicking BidQ and AskQ in the display region).

31. As per claim 25, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

the at least one market indicator comprises a dynamically changing number (see fig. 11A; column 19, lines 3-20; where market indicator " Fair Value Analysis"(average price) is monitored by dynamic indicator).

32. As per claim 26, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

the predetermined location comprises a location approximately centered with respect to the plurality of values on the value axis (see Fig. 19A/19B).

33. As per claim 27, Kemp in view of Robertson et al. teach claim 1 as described above. Kemp further teach the method wherein

the selection of the particular location is made from a single action of a user input device (see Fig. 6; step 604).

34. As per claim 28, Kemp in view of Robertson et al. teach claim 27 as described above. Kemp further teach the method wherein

the single action of the user input device comprises a mouse click (see Fig. 6, step 610).

35. As per claim 29, Kemp teach a method of displaying market information relating to a tradeable object being traded on an electronic exchange, the method comprising:

displaying a display region comprising a plurality of locations, each location associated with a value level along a value axis, wherein the display region is associated with a first portion of the value axis (see Fig. 3; where value axis representing Price (Prc) indicates plurality of values); ;

displaying a plurality of indicators representing market information in the display region, each of the plurality of indicators being displayed in association with the portion of the value axis (see Fig. 16A; Inside Market Indicator (1606), LTP indicator (1600);

Kemp do not teach in response to a selection of a particular location of the display region by a user input device, repositioning the value axis such that the display region is associated with a second portion of the value axis and the value level associated with the selected particular location is displayed at a predetermined location with respect to the second portion of the value axis in the display region.

Robertson et al. teach changing the view of screen by automatically repositioning cursor at predetermined location based on selected command (Robertson et al., abstract).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to include in response to a selection of a particular location of the display region by a user input device, repositioning the value axis such that the display region is associated with a second portion of the value axis and the value level

associated with the selected particular location is displayed at a predetermined location with respect to the second portion of the value axis in the display region of Kemp because Robertson et al. teach including above features would enables to simplify the use by the user (Robertson et al., column 1, lines 36-40).

36. As per claim 30, Kemp in view of Robertson et al. teach claim 29 as described above. Kemp further teach the method wherein

the predetermined location comprises a location approximately centered with respect to the second portion of the value axis (see column 25, lines 64-67).

37. As per claim 31, Kemp in view of Robertson et al. teach claim 29 as described above. Kemp further teach the method wherein

the predetermined location comprises a location that is a designated number of locations from the selected particular location (see Fig. 3-5; where predetermined location are different values of prices).

38. As per claim 32, Kemp in view of Robertson et al. teach claim 29 as described above. Claim 32 is rejected under same rational as claim 8 described above.

39. As per claim 33, Kemp in view of Robertson et al. teach claim 29 as described above. Claim 33 is rejected under same rational as claim 12 described above.

40. As per claim 34, Kemp in view of Robertson et al. teach claim 29 as described above. Kemp further teach the method wherein

the plurality of indicators comprise at least two indicators relating to an inside market of the tradeable object (see Fig, 16A, Inside Market Indicator (1606), LTP Indicator (1600)).

41. As per claim 35, Kemp in view of Robertson et al. teach claim 24 as described above. Kemp further teach the method comprising the steps of:

receiving a centering command; and in response to the centering command, repositioning the value axis such that the display region is associated with a third portion of the value axis and an item of interest is displayed at a location approximately centered with respect to the third portion of the value axis (column 25, lines 64-67; column 1-17; trading application reposition any item of interest with respect to value axis).

42. As per claim 36, Kemp in view of Robertson et al. teach claim 35 as described above. Claim 36 is rejected under same rational as claim 15 described above.

43. As per claim 37, Kemp in view of Robertson et al. teach claim 35 as described above. Claim 37 is rejected under same rational as claim 16 described above.

44. As per claim 38, Kemp in view of Robertson et al. teach claim 35 as described above. Claim 38 is rejected under same rational as claim 17 described above.

45. As per claim 39, Kemp in view of Robertson et al. teach claim 38 as described above. Claim 39 is rejected under same rational as claim 18 described above.

46. As per claim 40, Kemp in view of Robertson et al. teach claim 38 as described above. Claim 40 is rejected under same rational as claim 19 described above.

47. As per claim 41, Kemp in view of Robertson et al. teach claim 40 as described above. Claim 41 is rejected under same rational as claim 20 described above.

48. As per claim 42, Kemp in view of Robertson et al. teach claim 41 as described above. Claim 42 is rejected under same rational as claim 21 described above.

49. As per claim 43, Kemp in view of Robertson et al. teach claim 29 as described above. Kemp further teach the method wherein

the plurality of indicators comprises a best bid indicator representing a highest bid price currently available in the market and a best ask indicator currently available in the market (see Fig. 11A, Inside Market Indicator).

50. As per claim 44, Kemp in view of Robertson et al. teach claim 43 as described above. Kemp further teach the method wherein

the step of displaying a plurality of indicators comprises displaying the best bid indicator at a first location associated with a first value level along the value axis and displaying the best ask indicator at a second location associated with a second value level along the value axis (see Fig. 3; column 8, lines 44-49; where best bid and best ask for given value axis is indicated by different color that traders can quickly distinguish).

51. As per claim 45, Kemp in view of Robertson et al. teach claim 44 as described above. Kemp further teach the method wherein

the step of repositioning comprises displaying the best bid indicator at a third location associated with the first value level along the value axis and displaying the best ask indicator at a fourth location associated with the second value level along the value axis (see column 25, lines 64-67 to column 26, lines 1-5).

52. As per claim 446, Kemp in view of Robertson et al. teach claim 29 as described above. Claim 46 is rejected under same rational as claim 22 described above.

53. As per claim 47, Kemp in view of Robertson et al. teach claim 46 as described above. Claim 47 is rejected under same rational as claim 23 described above.

54. As per claim 48, Kemp in view of Robertson et al. teach claim 46 as described above. Claim 48 is rejected under same rational as claim 24 described above.

55. As per claim 49, Kemp in view of Robertson et al. teach claim 29 as described above. Claim 49 is rejected under same rational as claim 27 described above.

Conclusion

56. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Brumfield et al. (U.S. Patent No. 7,228,289) teach system and method for trading and displaying market information in an efficient trading environment.

Friesen et al. (U.S. Patent No. 6,993,504) teach user interface for semi-fungible trading.

Hollerman et al. (U.S. Pub No. 5,799,287) teach system and method for displaying option market information.

Kemp et al. (U.S. Pub No. 2002/0099644) teach click-based trading with intuitive grid display of market depth and price consolidation.

Langridge (U.S. Pub No. 2005/0108653) teaches customizable trading display of market data.

Schluetter (U.S. Pub 2005/0125328) teaches method and system for displaying a cursor on a trading screen.

Singer (U.S. Pub No. 2006/0259398) teaches method and interface for consolidating price levels on a trading screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 7:00 AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

BKS/3691